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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,299	07/22/2003	John Bryan Harvey	HOLO 1144 PUS	7881
41131	7590	11/16/2004		
KENNETH EARL DARNELL 2010 WEST SEVENTH STREET COFFEYVILLE, KS 67337			EXAMINER TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,299	Applicant(s) HARVEY, JOHN BRYAN	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☐ Claim(s) 1-11, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 12-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-10, 18, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Packer (US 6,773,135).

Referring to Claims 1, 10 Packer discloses a luminaire for illuminating a surface including a lamp housing, a lamp disposed within the housing and a reflector mounted within the housing (claim1) for generating light onto the surface in an asymmetric distribution (see Figs. 7a, 7b).

Referring to Claims 2, 19 Packer discloses a refractor affixed to the lamp housing and cooperating with a reflector means to direct the light from the lamp (claim 1).

Referring to Claims 3, 11 Packer discloses a lamp vertically oriented within the lamp housing.

Referring to Claim 4 Packer discloses (Fig. 6b) a luminaire including a main reflector [78] having a curvilinear surface and a secondary reflector [76] mounted behind the lamp.

Referring to Claim 5 Packer discloses that the main reflector is parabolic (col.4, lines57-60).

Referring to Claim 7 Packer discloses (Fig.4b) the side reflective panels [24].

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Referring to Claims 8, 16, 17 Packer discloses a choice of finishes of the reflecting surfaces (col.18, lines 8-10).

Referring to Claim 9 Packer discloses (Fig.2a) a lamp disposed in proximity to the side panels [24].

Referring to Claim 18 Packer discloses (Fig.15) a lamp disposed within the housing equidistantly from side edges and the light being directed onto the surface of the panel in a symmetric distribution.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Packer (US 6,773,135) in view of Barthel (US 4,027,151).

Packer discloses the instant claimed invention except for that the secondary reflector is an elliptical reflector.

Barthel discloses luminaire used a combination of parabolic and elliptical reflectors in order to obtain an even light distribution of a planar surface (col.1, lined 37-40).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the secondary reflector having an elliptical surface, as taught by Barthel for the device of Packer, in order to obtain an even light distribution of a planar surface.

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Allowable Subject Matter

Claim 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 12 the prior art fails to show a luminaire wherein a vertically oriented lamp is more closely spaced relative to one side of the housing and the light being directed onto the surface of the panel in an asymmetrical distribution.

Claims 13-17 are objected as claims depended on claim 12.

Claim 20 is allowed, because the prior art fails to show a luminaire wherein a vertically oriented lamp is more closely spaced relative to one side of the housing and the light being directed onto the surface of the panel in an asymmetrical distribution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

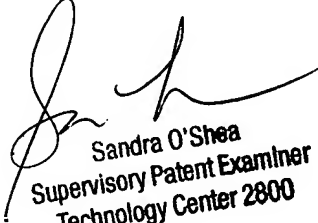
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
November 8, 2004



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800